

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA**

LARRY BENFORD,)
v. Plaintiff,) 2:11-cv-114-JMS-WGH
STEVE FENWICK, et al.,)
Defendants.)

Entry Concerning Selected Matters

The court, having considered the above action and the matters which are pending, makes the following rulings:

1. The amended complaint (dkt 9) has been considered. The only claims dismissed pursuant to 28 U.S.C. § 1915A(b) as legally insufficient at this time are any claims based on asserted violation of the Fourth and Fifth Amendments. The reason for this ruling is that the allegations of the amended complaint do not implicate a plausible claim for relief under the protections associated with those constitutional provisions. *Ashcroft v. Iqbal*, 129 S. Ct. 1937, 1949 (2009) (a claim has “facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged).

2. No partial final judgment shall issue at this time as to the claim(s) resolved in this Entry.

3. The clerk is designated, pursuant to *Fed. R. Civ. P.* 4(c)(3), to issue and serve process on the defendants in the manner specified by *Fed. R. Civ. P.* 4(d)(1). Process in this case shall consist of the amended complaint, applicable forms and this Entry.

IT IS SO ORDERED.

Date: 08/22/2011

Jane Magnus-Stinson
Hon. Jane Magnus-Stinson, Judge
United States District Court
Southern District of Indiana

Distribution:

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